Items for 11/24 Meeting with Dave Ross

Dewey Burdock Uranium in-Situ Recovery Project UIC permits to be issued on 11/24/20

- Class III area permit and associated aquifer exemption and Class V area permit will be signed on 11/24. All documents, including cumulative impacts, environmental justice and response to comments will be completed and available to the public.
- Letters to all 38 tribes invited to consult on the project will be sent on Tuesday alerting tribes that the permits have been issued.
- Letters to the 8 tribes which consulted with EPA will include more information on how their comments/concerns were addressed in the final action.
- The follow up letter to the Oglala Sioux Tribe stating we would not continue consultation was emailed to the Tribe last week.
- We are finalizing our communication strategy and, in coordination with NRC, have developed specific talking points related to NRC and EPA jurisdictions within the project site.
- All notifications (tribes, state, federal agencies, company and commenters) will go out on Tuesday, as well as a press release.
- Commenters who continue to have concerns with our final permit actions have 30 days from signature to challenge the permits.

NPDES Boysen Watershed Permitting Development with WDEQ

- R8 continues to work with WDEQ to develop a watershed permitting approach for the Boysen Reservior watershed.
- Work includes determining the scope of modeling objectives for the watershed and obtain cost estimates for this work. Estimated range for the 3 tiers being considered are $80,000 for the updating the model used for the Aethon permits to address comments during the public comment period to $180,000 to expand the model to include nutrients. We will have more information on this after the team's 12/9 meeting. We are discussing this need with OWM and will provide a full proposal once we have more information.

Red River Basin International Waters

- R8 is working with R5 and OW on responses to additional letters related to the IJC's proposal for nutrient water quality objectives. Draft letters have been sent to R5 for review.
- OW is leading the development of a memo as agreed to during last week's call clarifying Agency policy on not making IJC objectives or similar initiatives binding through water quality standards or permit limits without due opportunity for public review and comment.

Background on Montana Selenium standard to use if Dave or Lee bring it up

MDEQ's Proposed Selenium Criterion for Lake Koocanusa

- An interested stakeholder - we're unclear who - contacted Anna Wildeman and (incorrectly) indicated EPA thought the state should adopt EPA's recommended water column value for Lake

Koocanusa instead of a site-specific water column value. OST provided Region 8's comment letter to Anna which expresses support for adoption of the state's proposed criteria, including the site-specific water column value, with suggested comments to improve the rule.

- MDEQ followed EPA's recommended approach for developing a site-specific water column selenium criterion for Lake Koocanusa, a transboundary reservoir spanning Montana and British Columbia.
- Site specific data and information resulted in MDEQ calculating and proposing a site-specific selenium criterion of **0.8 µg/L** for Lake Koocanusa. MDEQ's proposed criterion rule is currently available for public comment and closes on 11/23/20.
- MDEQ's proposed site-specific water column selenium criterion *is lower* than EPA's nationally recommended water column criterion of **1.5 µg/L**. This is because site-specific data indicate that the Lake Koocanusa ecosystem is bioaccumulating selenium through the food web at higher rates than are anticipated in the national recommended criterion document.
- Currently, Lake Koocanusa has an average yearly water column actual concentration of approximately **1.0 µg/L.** At that concentration, some fish species in Lake Koocanusa exceed EPA's recommended egg-ovary fish tissue selenium concentration of 15.1 mg/kg. This indicates that a protective site-specific water column criterion must be lower than 1.0 µg/L.